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EXAMINER

RUBIN, BLAKE J

ART UNIT	PAPER NUMBER
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4152

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,897	Applicant(s) DUNCAN ET AL.	
	Examiner BLAKE RUBIN	Art Unit 4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 5, 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed May 1, 2006.
2. This application claims priority, under 35 U.S.C. 371, to PCT/IB04/52202, which claims foreign priority to GB 0325673.2, filed November 4, 2003.
3. Claims 1-39 are pending in this application. Claims 5, 7, 11-13, 15-17, 19-21, 26, 28, 32-35, 37-39 are amended by a preliminary amendment, filed March 1, 2006.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Virtual Content Directory Service for Accessing Multimedia Content.
5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.

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- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

6. The specification is objected to as failing to delineate the proper sections within the layout of the application: (f), (g), (h), and (i).

7. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

8. The disclosure is objected to because of the following informalities, whereby the examiner has proposed likely corrections, under which the specification will be examined:

- a. Page 4, line 30: "any" should be "and".
 - b. Page 5, line 7: "mains" should be "main".
9. Appropriate correction is required.

Drawings

10. The drawings are objected to because of numerous errors throughout the specification, namely: Including element numbers for each element in every figure, and having every element number in each figure correspond to a proper description in the written specification.

11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

12. Claims 7, 8, 26, and 27 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

a. As to claim 7, claim 5 recites "...reorganizing the retrieved media...which is more compatible with the...querying device" which necessitates that it includes the limitation cited in claim 7, whereby it "...uses knowledge of the querying device," and thus claim 7 fails to further limit claim 5. Claims 8, 26, and 27 are objected to on similar grounds.

13. Claims 5, 6, 14, 18, 26 and 27 are objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- a. Claims 5, and 26 recite:
 - i. "...the querying requirements..."
- b. Claims 6, 27 and recite:
 - ii. "...the user interface..."
- c. Claim 14 recites:
 - iii. "...the reorganized media content..."
 - iv. "...that device's..."
- d. Claim 18 recites:

v. "...the step of reorganizing..."

14. Claim 22 is objected to because of the following informalities: Claim 22 recites, "...retrieving (26)..." which does not properly indicate any reference characters shown in the drawing, or elsewhere. The Appropriate correction is required.

Claim Rejections - 35 USC § 101

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21, and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

16. With respect to claims 21, and 39, more than one statutory class of invention is claimed. See MPEP 2173.05 (p) II:

a. "Such claims may also be rejected under 35 U.S.C. 101 based on the theory that the claims are directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Id. at 1551."

17. With respect to claim 39, a software per se is claimed, which is not one of the statutory subject matters. see MPEP 2106.1.

Claim Rejections - 35 USC § 112

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claims 5, 6, 14, 19, 21, 26, 27, 36, 38, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

20. With respect to claims 5, line 3; claim 6, line 4; claim 26, line 3; and claim 27 line 3, all recite the term "more," which is a relative term, and thus renders the claim indefinite. The term "compatible" is therefor not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

21. With respect to claim 14, lines 2-3, recites, "a serving device" after already introducing "a server" in the independent claim from which it is based off of, claim 1, after using the terms interchangeably in the specification, making the relationship between the two terms in these claims indefinite.

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22. With respect to claim 19, line 7; claim 38, lines 7, both recite the term "sufficient," which is a relative term, and thus renders the claim indefinite. The term "determining" is therefor not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

23. With respect to claim 21, line 1, recites an "Apparatus for performing the method," which introduces ambiguity between which statutory class of invention the claim is directed towards, see MPEP 2173.05 (p) II.

24. With respect to claim 36, line 1, recites an, "Apparatus according to claim 35 which is physically separate from the querying devices." The independent claim from which claim 35 is based off of, claim 22, lines 1-2, includes the querying devices in the apparatus, rendering claim 36 indefinite as to what the apparatus is physically separate from.

25. With respect to claim 39, line 1 recites a "Method, software, or apparatus" which introduces ambiguity between which statutory class of invention the claim is directed towards, see MPEP 2173.05 (p) II.

Claim Rejections - 35 USC § 102

26. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

27. Claims 1-9, 11-12, 15-18, 20-30, 32-37, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Putterman et al (U.S. Publication No. 2004/0088731, hereinafter Putterman).

28. With respect to claim 1, Putterman discloses a method of providing media content information in a system (paragraph [0009], lines 1-3) comprising at least a querying device (CP) (paragraph [0062], lines 1-4; Figure 8, item 810) and a serving device (MS) (paragraph [0025], lines 14; Figure 8, item 830, or 840) which uses a content directory service (CDS) (paragraph [0045], lines 8-10) to store media content information, the method comprising the steps of: retrieving selected media content information from the content directory service (CDS) of the serving device (MS) (paragraph [0046], lines 8-15); and, storing the retrieved media content information (V-CDS) (paragraph [0049], lines 7-12; Figure 6, item 610) for future querying by the querying device (paragraph [0046], lines 8-15).

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29. With respect to claim 2, Putterman discloses the method according to claim 1 wherein the step of retrieving selected media content information (paragraph [0046], lines 8-15) uses knowledge of what media content information the querying device requires (paragraph [0071], lines 4-14).

30. With respect to claim 3, Putterman discloses the method according to claim 2 further comprising obtaining knowledge of what media content information the querying device requires (paragraph [0071], lines 4-14).

31. With respect to claim 4, Putterman discloses the method according to claim 3 further comprising interrogating the querying device to determine the knowledge of what media content information the querying device requires (paragraph [0039], lines 4-11).

32. With respect to claim 5, Putterman discloses the method according to claim 1 further comprising reorganising the retrieved media content information into a form which is more compatible with the querying requirements of the querying device (paragraphs [0036]-[0037]).

33. With respect to claim 6, Putterman discloses the method according to claim 5 wherein the step of reorganising the media content information comprises reorganising the media content information in a manner which is more compatible (paragraphs

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[0036]-[0037]) with the user interface (paragraph [0071], lines 4-14) of the querying device.

34. With respect to claim 7, Putterman discloses the method according to claim 5 wherein the step of reorganising the media content information uses knowledge of the querying device (paragraph [0039], lines 4-11).

35. With respect to claim 8, Putterman discloses the method according to claim 7 further comprising obtaining knowledge of the querying device (paragraph [0039], lines 4-11).

36. With respect to claim 9, Putterman discloses the method according to claim 8 wherein knowledge of the querying device is obtained by interrogating the querying device (paragraph [0039], lines 4-11).

37. With respect to claim 11, Putterman discloses the method according to claim 5 wherein the step of reorganising the media content information comprises reorganising the media content information (paragraph [0039], lines 4-11) so that it can be searched by the querying device (paragraph [0045], lines 8-15).

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38. With respect to claim 12, Putterman discloses the method according to claim 5 wherein the reorganised data is stored in a plurality of different formats, each format being compatible with a different querying device (paragraph [0028], lines 11-14).

39. With respect to claim 15, Putterman discloses the method according to claim 5 wherein the steps of retrieving and reorganising the media content information are performed by a first device and the step of storing the reorganised media content information is performed on a second device (paragraph [0073]; *whereby the first device, the retrieving device, is, "the data and scenes for the for a user interface exist on a remote deivce." And the second device, the reorganizing device, is, "The device displaying the user interface only contained the UI rendering engine." Wherby the "rendering engine" reorganizes the media content information*).

40. With respect to claim 16, Putterman discloses the method according to claim 1 which is performed for a plurality of querying devices, wherein the step of retrieving selected media content information retrieves media content information required by the plurality of devices (paragraph [0021]).

41. With respect to claim 17, Putterman discloses the method according to claim 1 wherein the step of retrieving information retrieves media content information from the CDS of a plurality of serving devices (paragraph [0021]).

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42. With respect to claim 18, Putterman discloses the method according to claim 16 wherein the step of reorganising the media content information reorganises the media content information from the plurality of serving devices (paragraph [0021]) according to a common set of criteria (paragraphs [0036]-[0037]; *whereby genre anticipates criteria*).

43. With respect to claim 20, Putterman discloses software (paragraph [0039], lines 9-11) for causing a processor (paragraph [0029], lines 1-6; *whereby digital music processing inherently embodies a processor*) to perform the method according to claim 1.

44. With respect to claim 21, Putterman discloses an apparatus for performing the method according to claim 1 (paragraph [0021]).

45. With respect to claim 22, Putterman discloses an apparatus for providing media content information in a system (paragraph [0009], lines 1-3) comprising at least a querying device (CP) (paragraph [0062], lines 1-4) and a serving device (MS) (paragraph [0025], lines 14) which uses a content directory service (CDS) (paragraph [0045], lines 8-10) to store media content information, the apparatus comprising: means for retrieving (26) selected media content information from the content directory service (CDS) of the serving device (MS) (paragraph [0046], lines 8-15); and, means for storing (V-CDS) the retrieved media content information (paragraph [0049], lines 7-12; Figure

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6, item 610) for future querying by the querying device (CP) (paragraph [0046], lines 8-15).

46. With respect to claim 23, Putterman discloses the apparatus according to claim 22 wherein the retrieving means (26) uses knowledge of what media content information the querying device (CP) requires (paragraph [0071], lines 4-14).

47. With respect to claim 24, Putterman discloses the apparatus according to claim 23 further comprising means for obtaining knowledge of what media content information the querying device (CP) requires (paragraph [0071], lines 4-14).

48. With respect to claim 25, Putterman discloses the apparatus according to claim 24 wherein the means for obtaining knowledge is arranged to interrogate the querying device to determine the knowledge of what media content information the querying device requires (paragraph [0039], lines 4-11).

49. With respect to claim 26, Putterman discloses the apparatus according to claim 22 further comprising means for reorganising the retrieved media content information into a form which is more compatible with the querying requirements of the querying device (paragraphs [0036]-[0037]).

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50. With respect to claim 27, Putterman discloses the apparatus according to claim 26 wherein the reorganising means is arranged to reorganise the media content information in a manner which is more compatible (paragraphs [0036]-[0037]) with the user interface of the querying device (paragraph [0071], lines 4-14).

51. With respect to claim 28, Putterman discloses the apparatus according to claim 26 wherein the reorganising means uses knowledge of the querying device (paragraphs [0036]-[0037]).

52. With respect to claim 29, Putterman discloses the apparatus according to claim 28 further comprising means for obtaining knowledge of the querying device (paragraph [0039], lines 4-11).

53. With respect to claim 30, Putterman discloses the apparatus according to claim 29 wherein the means for obtaining knowledge of the querying device is arranged to interrogate the querying device (paragraph [0039], lines 4-11).

54. With respect to claim 32, Putterman discloses the apparatus according to claim 26 wherein the reorganising means is arranged to reorganise the media content information (paragraph [0039], lines 4-11) so that it can be searched by the querying device (paragraph [0045], lines 8-15).

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55. With respect to claim 33, Putterman discloses the apparatus according to claim 26 wherein the reorganised data is stored in a plurality of different formats, each format being compatible with a different querying device (paragraph [0028], lines 11-14).

56. With respect to claim 34, Putterman discloses the apparatus according to claim 26 wherein the retrieving means and reorganising means are located on a first device and the storing means are located on a second device (paragraph [0073]; *whereby the first device, the retrieving device, is, "the data and scenes for the for a user interface exist on a remote deivce." And the second device, the reorganizing device, is, "The device displaying the user interface only contained the UI rendering engine." Whereby the "rendering engine" reorganizes the media content information*).

57. With respect to claim 35, Putterman discloses the apparatus according to claim 22 which provides a service for a plurality of querying devices, wherein the retrieving means retrieves selected media content information required by the plurality of devices (paragraph [0021]).

58. With respect to claim 36, Putterman discloses the apparatus according to claim 35 which is physically separate from the querying devices (paragraph [0026], lines 12-19).

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59. With respect to claim 37, Putterman discloses the apparatus according to claim 22 wherein the retrieving means is arranged to retrieve media content information from the CDS of a plurality of serving devices (paragraph [0021]).

60. With respect to claim 39, Putterman discloses the method, software or apparatus (paragraph [0039], lines 9-11) according to claim 1 wherein the system is a Universal Plug and Play (UPnP) system (paragraph [0045], lines 4-10).

Claim Rejections - 35 USC § 103

61. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

62. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

63. Claims 10, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putterman, as applied to claims 8 and 29 above, in view of Zhang et al (“A

SOAP-Oriented Component-Based Framework Supporting Device-Independent Multimedia Web Services,” hereinafter Zhang).

64. With respect to claim 10, Putterman discloses the method according to claim 8 wherein knowledge of the querying device is obtained (paragraph [0039], lines 4-11), but does not disclose analyzing queries.

65. However, Zhang discloses analyzing queries (section: 4.2.3 Service Broker, lines 19-33; *“If the result [of a request] contains multimedia information not coming together with the first message, service manager with schedule to prefetch...”*).

66. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Putterman with the teachings of Zhang. The motivation to do so being, to ascertain the capabilities and preferences of the querying device based on its usage history in order to more efficiently serve future requests.

67. With respect to claim 31, Putterman discloses the apparatus according to claim 29 wherein the means for obtaining knowledge is arranged, but does not disclose analyzing queries.

68. However, Zhang discloses analyzing queries (section: 4.2.3 Service Broker, lines 19-33; *“If the result [of a request] contains multimedia information not coming together with the first message, service manager with schedule to prefetch...”*).

69. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Putterman with the teachings of Zhang. The

motivation to do so being, to ascertain the capabilities and preferences of the querying device based on its usage history in order to more efficiently serve future requests.

70. Claims 13-14, 19, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putterman, as applied to claims 1 and 22 above, in view of Roe et al (U.S. Publication No. 2004/0221007, hereinafter Roe).

71. With respect to claim 13, Putterman discloses the method according to claim 1 wherein the steps of retrieving media content information (paragraph [0046], lines 8-15) is stored (paragraph [0049], lines 7-12; Figure 6, item 610), but does not disclose a periodic basis.

72. However, Roe disclose a retrieving and storing information on a periodic basis (paragraph [0049]; *whereby the heart beat notification cycle time is periodic*; paragraph [0050], lines 5-10).

73. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Putterman with the teachings of Roe. The motivation to do so being, to maintain a consistency between the information on the server and the information stored on the querying device.

74. With respect to claim 14, Putterman and Roe disclose the method according to claim 13. Roe further discloses the step of receiving an indication from a serving device when an update occurs to that device's CDS (paragraph [0047], lines 1-4) and updating

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the reorganised media content information in response to receiving the indication (paragraph [0046], lines 3-5).

75. With respect to claim 19, Putterman discloses the method according to claim 1 further comprising: receiving a query for media content information from the querying device (paragraph [0062], lines 1-4), but does not disclose means for determining sufficiency.

76. However, Roes discloses determining whether the stored media content information is sufficient to answer the query (paragraphs [0054-0055]) and, in the event that the stored media content information is not sufficient, causing the required media content information to be retrieved from the CDS of the serving device (paragraph [0056]).

77. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Putterman with the teachings of Roe. The motivation to do so being, to insure the compatibility of the data being exchanged, and to resolve any potential incompatibilities.

78. With respect to claim 38, Putterman discloses the apparatus according to claim 22 further comprising: means for receiving a query for media content information from the querying device (paragraph [0062], lines 1-4), but does not disclose means for determining sufficiency.

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79. However, Roes discloses means for determining whether the stored media content information is sufficient to answer the query (paragraphs [0054-0055]) and, in the event that the stored media content information is not sufficient, causing the required media content information to be retrieved from the CDS of the serving device (paragraph [0056]).

80. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Putterman with the teachings of Roe. The motivation to do so being, to insure the compatibility of the data being exchanged, and to resolve any potential incompatibilities.

81. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.	Sull et al	Pub. No.	2007/0033170
b.	Kloba et al	Pub. No.	2002/0052916
c.	Agassi et al	Patent No.	7,200,801
d.	T.L. Pham et al	NPL	See References Cited
e.	D. Cohen et al	NPL	See References Cited

82. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on M-R: 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJR
1/24/08

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152